

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

September 3, 2004

Agenda for the regular City Council meeting to be held Tuesday, September 7, 2004 at 7:00 p.m., Council Chambers, City Center.

PRESENTATION - Update by the Conservation Commission on the status of the Open Space Master Plan

PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA.

CONSENT AGENDA - All matters listed under this item will be considered routine and will be enacted by one motion. If a Councilor wishes to discuss one (or more) item(s), Councilor may ask to have the item(s) removed from the Consent Agenda and considered individually.

- 120 Manager (Bureau of City Clerk)
 ORDERED, That minutes of the City Council meeting held August 2, 2004 submitted by the City Clerk be approved.
- 121 Manager
 ORDERED, That the City Council accept various donations for the new Cony High School in an amount totaling \$25,200.00.
- 122 Manager (Bureau of Audit Accounts)
 ORDERED, That Roll of Accounts #12 for the month of June 2004 in the amount of \$4,453,972.15 be approved.
- 123 Manager (Department of Finance)
 ORDERED, That the report regarding the City's financial position through June 2004 be presented and accepted upon presentation.
- 124 Manager (Bureau of Audit Accounts)
 ORDERED, That Roll of Accounts #1 for the month of July 2004 in the amount of \$5,468,609.21 be approved.
- 125 Manager (Department of Finance)
 ORDERED, That the report regarding the City's financial position through July 2004 be presented and accepted upon presentation.

OLD BUSINESS AND TABLED MATTERSHAS BEEN READ AND TABLED

- 106 Manager
ORDERED, That the City Manager is hereby authorized to transfer title of a certain parcel of city-owned property located on Tax Map 35, Lot 50, located at 4-4 1/2 York Street to Bread of Life with the condition that a payment in lieu of taxes for land and buildings equal to the municipal share of property taxes shall be provided to the city.

HAS BEEN READ, FIRST READING

- 115 Manager (Bureau of Code Enforcement)
BE IT ORDAINED, By the City Council of the City of Augusta, as follows:
That Chapter 6, Article II. Code Enforcement, of the Revised Code of Ordinances 1990, as amended, be further amended by deleting the following:

Sec. 6-31. Adoption of building code.

The BOCA National Building Code, latest edition as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the building code of the city for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of the BOCA National Building Code, are hereby referred to, adopted and made a part hereof, excluding:

Article 24 Masonry Fireplaces,
Article 25 Mechanical Equipment and Systems,
Article 26 Elevator, Dumbwaiter and Conveyor Equipment Installation and Maintenance,
Article 27 Electronic Wiring, Equipment and Systems,
Article 28 Plumbing Systems,
Article 29 Signs, and
Article 31 Energy Conservation.

That Chapter 6, Article II. Code Enforcement, of the Revised Code of Ordinances 1990, as amended, be further amended by adding the following:

Sec. 6-31. Adoption of building codes.

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ, FIRST READING (Con't)

115 Continued

Sec. 6-31.1 Building code.

The International Building Code, 2003 edition as published by the International Code Council is hereby adopted as the building code of the City of Augusta for the control of buildings and structures, except one- and two-family dwellings and townhouses, as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of the International Building Code are hereby referred to, adopted and made a part hereof, excluding:

- Chapter 13 - Energy Efficiency
- Chapter 21 - (Fireplaces, Chimneys)
- Chapter 27 - Electrical
- Chapter 28 - Mechanical Systems
- Chapter 29 - Plumbing Systems
- Chapter 30 - Elevators and Conveying Systems
- Chapter 31 - (Signs)
- Chapter 35 - Referenced Standards

Sec. 6-31.1.2 Residential building code.

The International Residential Code, 2003 edition as published by the International Code Council, is hereby adopted, as the residential building code of the City of Augusta for the control of one- and two-family dwellings and townhouses, as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of the International Building Code are hereby referred to, adopted and made a part hereof, to include:

- Chapter 1 - Administration
- Chapter 2 - Definitions
- Chapter 3 - Building Planning
- Chapter 4 - Floors
- Chapter 5 - Foundations
- Chapter 6 - Wall Construction
- Chapter 7 - Wall Covering
- Chapter 8 - Roof-Ceiling Construction
- Chapter 9 - Roof Assemblies

and excluding Chapters 10 - 43.

NEW BUSINESSPART 1 - ORDERS

126 Manager

WHEREAS, on June 8, 2004, the people of Maine decisively approved referendum Question #1 requiring the State of Maine to pay a full 55% of local education costs, including special education expenses; and

WHEREAS, this funding has long been sought by Maine municipalities due to the Maine Legislature's unwillingness to abide by the legislation it passed in 1984; and

WHEREAS, the impact of the Legislature's failure to fully-fund the 55% State portion of local education costs has been a primary reason for the State's high property tax rate, and has greatly overburdened local property taxpayers, both residents and businesses; and

WHEREAS, the City of Augusta, along with other municipalities in Maine, has long sought to reduce the property taxes but has been unable to do so without full State education funding; and

WHEREAS, the passage of Question #1 potentially could provide substantial additional funding to the City of Augusta and other Maine municipalities for local education expenses;

NOW, THEREFORE, BE IT RESOLVED, that the Augusta City Council publicly and forcefully declares its intent to use all new Question #1 funding for the reduction of the tax rate; and

BE IT FURTHER RESOLVED, that the Augusta City Council hereby implores the Governor and the 122nd Maine Legislature to fully and immediately implement the will of the people as expressed through the passage of Question #1.

127 Manager (Bureau of City Clerk)

ORDERED, That the City Council of Augusta approve that the Augusta Vocational Technical Center, which is now located in Ward II, continue to be the Ward IV Polling Place until such a time when a facility within Ward IV becomes available and complies with M.R.S.A. Title 21-A, Chapter 9, Section 627.

NEW BUSINESS (Con't)

128 Manager (Bureau of City Clerk)

ORDERED, That the Voter Registration hourly schedule for open session for the November 2, 2004 General/Referendum Election and Municipal Election be as follows:

Thursday, October 28, 2004 from 1:00 p.m. to 6:00 p.m.

The intent of this order is to change the evening session time in accordance with M.R.S.A. Title 21-A, Section 122(8), as amended.

129 Manager

WHEREAS, on November 2, 2004, the Citizens of the State of Maine will vote whether to enact a citizens' initiative entitled, "An Act to Impose Limits on Real and Personal Property Taxes," more commonly known as the Palesky Initiative;

WHEREAS, if passed, the Palesky Initiative would limit property taxes to 1% of the assessed value of property;

WHEREAS, reducing the City of Augusta's tax rate to 1% of the assessed value of property as provided for by the Palesky Initiative would devastate the City's ability to provide essential services;

WHEREAS, the Palesky Initiative would exempt from the 1% cap the payment of interest on and principal of indebtedness approved by the voters in accordance with the initiative; and

WHEREAS, approval of certain orders authorizing indebtedness of the City of Augusta will mitigate the impact of the Palesky Initiative on the City of Augusta in the event that it is enacted;

NOW, THEREFORE, BE IT ORDERED By the City Council of the City of Augusta that:

1. The Augusta City Council finds that the following Orders authorizing indebtedness of the City of Augusta prior to July 1, 1999 were not approved by the voters of the City of Augusta prior to July 1, 1999:

- Order #498 / 1996 Public Improvements \$500,000.00
- Order #209 / 1997 Public Improvements \$500,000.00
- Order #602 / 1998 Public Improvements \$450,000.00

NEW BUSINESS (Con't)

129 Continued

2. The Augusta City Council finds that the following Orders authorizing indebtedness of the City of Augusta on or after July 1, 1999 were not approved by the voters of the City of Augusta on or after July 1, 1999 by 2/3 of the votes cast by voters voting on the respective orders in a general election:

- Order #186 / 1999 Series D Bond Payment \$497,500.00
- Order #308 / 2000 Series A Bond Payment \$922,500.00
- Order #422 / 2000 Civic Center Expansion \$4.3 million
- Order #423 / 2000 Parking Garage \$2.5 million
- Order #51 / 2001 City Capital Improvement Project \$495,000.00
- Order #265 / 2002 Capital Improvement Series E \$179,000.00
- Order #236 / 2002 Supplemental Parking Garage \$500,000.00
- Order #113 / 2003 New Cony High School \$29.5 million
- Order #39 / 2004 Capital Expenditures \$500,000

3. The following question shall be voted on at the November 2, 2004 General/Referendum and Municipal Election:

"Shall certain Orders authorizing indebtedness of the City of Augusta as described in Order #129 be ratified by the voters of the City of Augusta?"

PART 2 - ORDINANCE BEING READ FOR THE FIRST TIME
NO VOTE REQUIRED

130 Manager (Police Department)

BE IT ORDAINED, By the City Council of the City of Augusta, as follows:

That Chapter 18, section 38 Schedule of one-way streets, of the Revised Code of Ordinances 1990, as amended be further amended by deleting:

Swan Street, from Grove Street to Memorial Drive, south only.

That Chapter 18, section 73 Schedule of no parking, restricted parking areas, of the Revised Code of Ordinances 1990, as amended be further amended by deleting:

Swan Street:

No parking on the north side.

NEW BUSINESS (Con't)

- 130 Continued
That Chapter 18, section 73 Schedule of no parking, restricted parking areas, of the Revised Code of Ordinances 1990, as amended be further amended by adding:

Swan Street:

No parking either side.

OTHER BUSINESS

Executive session to discuss:

1. Construction contract negotiations. M.R.S.A Title 1, Sec. 405(6)(C)
2. A personnel matter, M.R.S.A. Title 1, Sec. 405(6)(A)(1)
3. Labor negotiations with Fire Fighters, M.R.S.A. Title 1, Sec.405(6)(D)

COMMUNICATIONS

Committee Reports

City Manager's Report

PETITIONS

To discuss Petitions filed with the City Clerk August 30, 2004 and take all and necessary action regarding the same.

Respectfully submitted,

Barbara E. Wardwell
City Clerk